THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6614 of 2007

Dated:30.04.2007

Between:

Thangella Hanumantha Rao.

…Petitioner

and

Commissioner, Endowments Department, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6614 of 2007

ORDER:

Sri Durga Malleswara Swamy Varla Devasthanam, Vijayawada, issued auction notice bearing Rc.No.C1/4304/2006, dated 07.01.2007, proposing to conduct auction to give the licence for operating shoe stand for a period of one year. The action of the said Devasthanam, second respondent, is assailed in this Writ Petition.

The petitioner herein was highest bidder in the auction conducted on 25.08.2003 for maintaining the shoe stand for a period from 28.08.2003 to 27.08.2004. He quoted Rs.19,65,000/- and paid an amount of Rs.2,00,000/- on 25.08.2003 and another sum of Rs.6,55,000/- on 26.08.2003. The auction, however, was not confirmed by the Commissioner of Endowments, first respondent herein, and therefore, the auction was cancelled. At the relevant time, the Commissioner of Endowments directed the second respondent to maintain free shoe stand. However, the second respondent deducted a sum of Rs.8,18,750/-, being the licence fee for a period of five months, and refunded Rs.36,250/- to the petitioner due to cancellation. The petitioner handed over possession of the footwear stand to the second respondent. Subsequently, in view of the change of decision by the Commissioner to lease out the footwear stand, the auction notice was issued. It is also alleged that the third respondent became the highest bidder and without considering the representations of the petitioner, there was a move to confirm the auction in favour of the third respondent.

At the stage of admission itself, the second respondent filed a counter affidavit. It is stated that the petitioner filed W.P.No.2336 of 2007 for a similar relief and this Court dismissed the said Writ Petition on 23.02.2007 as infructuous. It is further stated that auction was held on 22.02.2007, and the third respondent became the highest bidder quoting Rs.27,00,000/- and he deposited Rs.18,50,000/- including the initial deposit. The auction proceedings were submitted to the first respondent, who passed orders vide D.Dis.No.A3/6569/2007, dated 31.03.2007, confirming the auction. A copy of the confirmation order is also placed before this Court, and the same is made part of the record.

The petitioner claims to enforce the right, which he claims by reason of becoming highest bidder in the auction held on 25.08.2003. He has no basis, because the auction was cancelled by the proceedings of the Commissioner dated 22.12.2003. Even if the petitioner had any legitimate expectation to continue as a licensee/lessee for footwear stand pursuant to the auction held on 25.08.2003, the period itself expired on 27.08.2004. Hence, he cannot have any locus to impugn the auction conducted on 07.01.2007 or the confirmation order of the first respondent in favour of the third respondent, because, admittedly, he did not participate in the auction held in January 2007.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

30.04.2007
vs